

### **REMARKS**

Claims 1-11 remain pending in this application. Reconsideration is requested.

The rejection of claims 1, 2 and 6-8 under 35 U.S.C. § 102(e) as being anticipated by O'Neill et al., U.S. Patent No. 5,987,099, the rejection of claims 3, 4, 9 and 10 under 35 U.S.C. § 103 as being unpatentable over O'Neill in view of "well known prior art," and the rejection of claims 5 and 11 under § 103 as being unpatentable over O'Neill in view of Levanon, U.S. Patent No. 6,369,754, are respectfully traversed.

Contrary to the present invention as disclosed and claimed, O'Neill is directed to a wireless cellular telephone system wherein a number of base stations is provided in each cell to potentially service a mobile station. A mobile station identifies at least one unused or idle radio frequency channel in the cell, and broadcasts a periodic signal containing an identification code of the mobile station. The plurality of base stations detect the broadcast signal from the mobile station and measure the RSSI of the signal from the mobile station. In a base station where the RSSI exceeds a threshold level, an acknowledgment is sent to a cell manager, and a radio link is then established between the mobile station and the base station having the greatest RSSI from the requesting mobile station. If the RSSI does not exceed at least a value of an arbitration threshold, then the detected RSSI level of the mobile station's broadcast signal is forwarded to base stations of adjacent cells.

Consequently, O'Neill fails to anticipate any of the claims because O'Neill does not measure field intensity of base stations, but rather measures signal strength of a broadcast signal of a mobile station. Further, there is no disclosure in O'Neill of adjusting or controlling a time interval for field intensity measurement of such base station signals, since base station signal field intensity is not even measured in O'Neill.

Further, Applicants wish to point out that O'Neill is directed to a low-power wireless communication system known as the CT Standard (see Col. 1, ll. 8-10 and 22-31). The CT Standard type of wireless system is different from a conventional cellular communication system (see Fig. 1 Cellular Network 11 vs. Low-Power Wireless System 12). As acknowledged by O'Neill, the radio link control methods and cellular system structure are inefficient and unsuitable for the CT wireless standard. See Col. 1, ll. 28-31. Additionally, there is no description in O'Neill of any comparison of a present signal

intensity with intensity of a prior signal. Consequently, O'Neill does not consider and does not even recognize the existence of any signal intensity trend as a function of time.

The rejection of claims 3, 4, 9 and 10 is further traversed on the grounds that the Examiner has failed to produce any prior art reference to support the Examiner's conclusion that the features of these claims that are admittedly missing from O'Neill constitute "well known prior art." If such features are in fact well known, then the Examiner should be able to produce a prior art reference disclosing such features.

Finally, the rejection of claims 5 and 11 is further traversed on the ground that Levanon does not constitute statutory prior art with respect to the present invention. The present invention is entitled to the January 7, 2000 filing date of the corresponding PCT application designating the United States. See 35 U.S.C. § 363. In contrast the Levanon reference has an effective prior art date of March 27, 2000. As such, Levanon cannot be used as prior art against the present application.

In view of the foregoing, claims 1-11 are submitted to be directed to allowable subject matter. Favorable reconsideration of this application, withdrawal of all outstanding grounds of rejection, and the issuance of a Notice of Allowance are earnestly solicited.

Please charge any fee or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to Deposit Account No. 02-2135.

RESPECTFULLY SUBMITTED,					
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